TIP 38

Expungement-Part 2 (Other Eligible Dispositions)

This video explains expungement eligibility for five favorable dispositions. A favorable disposition means your case did not end with a guilty finding.

Favorable Dispositions Eligible for Expungement

- Acquittal or not guilty finding: The court may make a finding of not guilty after trial, or the court may accept your plea of not guilty.

- Dismissal.

- Nolle prosequi or nolle pros: The State's Attorney did not prosecute your case.

- Stet: The case was indefinitely postponed.

Nuisance Crimes and Probation Before Judgment

- Your case is eligible for expungement if you were found <u>not criminally responsible</u> for nuisance crimes listed in MD Code, Criminal Procedure § 10-105 (a)(9-10). Eligible crimes include urinating in public, panhandling, sleeping on park benches, loitering, trespass, disturbing the peace, and telephone misuse. Check with a lawyer or law librarian to see if this law applies to you.

- Probation Before Judgment (PBJ) is a favorable disposition. Cases that end with a PBJ may be eligible for expungement. Watch Part 3 of the *My Laws, My Courts, My Maryland* Expungement series for a discussion on expungement of PBJ cases.

Exceptions

- Your case cannot be expunged if you are a defendant in a pending criminal case. Wait until the case is over before trying to expunge any case record.

- You may have been charged with multiple crimes in a single event or "unit." If one of those charges is not eligible for expungement, then all charges in that unit are ineligible. Minor traffic offenses that don't involve jail time are not taken into consideration.

One Last Thing

- Before you ask the court to expunge your case record, be sure you know how long you must wait before submitting your petition. There is a required waiting period. Part 5 of this series explains when to file.

- Contact a lawyer for assistance at the Maryland Courts Self-Help Center (410-260-1392).